

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

RALPH MCCLAIN, JR.,
Plaintiff

v.

DAVID MOSIER, *et al.*,
Defendants

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: CIVIL NO. 1:13-CV-3011
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O R D E R

AND NOW, this 24th day of June, 2014, upon consideration of the thorough and detailed Report and Recommendation filed by Chief Magistrate Judge Martin C. Carlson (Doc. 22), to which no meritorious objections¹ have been filed, and upon an independent review of the record, it is Ordered that said Report is approved and accepted.

Pursuant to the recommendation of the Magistrate Judge, it is further Ordered that:

i) Defendants' motion to revoke Plaintiff's leave to proceed *in forma pauperis* (Doc. 14) is granted.

ii) Plaintiff's *in forma pauperis* status is revoked pursuant to 28 U.S.C. § 1915(e)(2)(A).

¹ In his response (Doc. 23) to the Report, Plaintiff raises a singled objection. Specifically, he contends that the Magistrate Judge incorrectly concluded that two of Plaintiff's prior cases (1:12-cv-265 and 1:12-cv-352) were dismissed for lack of merit, while Plaintiff asserts that those cases were dismissed only due to Plaintiff's failure to prosecute. As the Magistrate Judge correctly notes, however, while both of those cases were dismissed for failure to prosecute, those decisions were predicated—in part—on the express finding that Plaintiff's claims lacked merit. (Doc. 22 at 14). Accordingly, we will overrule Plaintiff's lone objection.

iii) Within twenty days of the date of this Order, Plaintiff shall send to "Clerk, U.S. District Court, P.O. Box 983, Harrisburg, PA 17108" a check or money order in the amount of \$350.00 payable to "Clerk, U.S. District Court."

iv) If Plaintiff fails to pay the filing fee as directed by this Order, the case will be dismissed without prejudice.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge